BILASPUR BENCH

CA 1007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 999 / 2007

PETITIONER

: Ashok Kumar Jatwar, S/o. Shri Tulsi Ram Jatwar, aged about 35 years, Working as Assistant Teacher, Govt. Primary School - Jhagharaha, Block - Korba, Distt. - Korba (C.G.)

F.R. No. 1283/07
Presented by Shri Amit Sharma
dated 13/12/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through The Secretary Department of School Education D.K.S. Bhawan, Mantralaya Raipur (C.G.)
2. The District Education Officer, Distt. - Blaspur(C.G.)
3. Assistant Commissioner, Tribal Welfare Department Korba (C.G.)
4. Block Education Officer, Block - Korba, Kartala, Katghora Distt. - Korba (C.G.)

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(5) (8)

PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOPR ISSUANCE OF APPROPRIATE WRIT OF MANDMUS AND CERTIORARI ETC. OR DIRECTION/ORDER OF LIKE NTURE ETC: -

(30)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 999 of 2007

Petitioner : Ashok Kumar Jatwar

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Amit Sharma, Advocate for the petitioner.

Mr. Sushil Dubey, G.A. for the respondents/State.

ORDER

(Passed on 21st Day of February, 2007)

1. The petitioner was appointed on 7/12/1995 as Upper Division Teacher on fixed pay scale of Rs. 1400/-. After completion of two year probation, he was granted regular pay scale of Rs. 1400-2600/-.

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment.

(31)

The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Har Prasad Kurre and others vs. State of Chhattisgarh & others {W. P. (S) No. 5191/2006} by order dated 3.10.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Har Prasad Kurre and others vs. State of Chhattisgarh & others (Supra).

6. In view of that, this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Yogesh